IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 971 (S/S) of 2006

Vijendra Pal Singh Rawat,
Son of Sri Amar Singh Rawat,
At present working as Storekeeper in Yatra Karyalaya,
Garhwal Mandal Vikas Nigam Ltd.
Rishikesh,
District – Dehradun. **…….Petitioner**

V e r s u s

1. Garhwal Mandal Vikas Nigam Ltd. 74/1, Rajpur Road, Dehradun, through its Managing Director.
2. Chairman / Board of Director, Garhwal Mandal Vikas Nigam Ltd. 74/1, Rajpur Road, Dehradun.
3. General Manager, (Administration), Yatra Karyalaya, Garhwal Mandal Vikas Nigam Ltd., Rishikesh, Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri R.P. Nautiyal, learned counsel for the petitioner and Sri U.K. Uniyal, Sr. Advocate, assisted by Sri Shobhit Saharia, learned counsel for the respondents

2. By means of this writ petition, the petitioner has prayed for the following reliefs:

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(a) issue a writ, order or direction in the nature of Certiorari calling for the records and quashing the order dated 25.08.2005 (Annexure No. 6 to this writ petition) passed by General Manager, (Administration), Yatra Karyalaya, Garhwal Mandal Vikas Nigam Ltd., Rishikesh, Dehradun – respondent no. 3.

(b) issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to change the cadre of the petitioner from clerical cadre to

tourism cadre since the date of his initial appointment in Garhwal Mandal Vikas Nigam Ltd., Dehradun.

(c) Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(d) Award the costs of the petition to the petitioner.

3. The submission of the petitioner, as narrated in the writ petition, is that petitioner was appointed as Guide at Haridwar Tourist Information Centre, Haridwar on daily wage basis with effect from 21.05.1983. In the year 1984, petitioner was transferred as Guide in Yatra Head Office of Corporation, Rishikesh, Haridwar.

4. Petitioner along with five other persons were appointed by the Managing Director, Garhwal Mandal Vikas Nigam, Dehradun on different posts on consolidated salary vide order dated 04.03.1987. By this order petitioner was engaged as Office Assistant at Hanumanchatti, District – Uttarkashi on consolidated salary of Rs. 600/- per month.

5. Petitioner made representation to the respondents to change his cadre i.e. from Clerical Cadre to Tourism Cadre. The said representation was rejected by the General Manager (Administration) vide order dated 25.08.2005 on the ground that the representation is time barred and petitioner was in clerical cadre.

6. Aggrieved with the order dated 25.08.2005 passed by General Manager (Administration) petitioner preferred appeal / representation before Managing Director, Garhwal Mandal Vikas Nigam, Dehradun. A reminder dated 10.03.2006 was also sent by the petitioner to the

Managing Director, Garhwal Mandal Vikas Nigam, Dehradun. Representation / Appeal dated 14.09.2005 is annexed as Annexure No. 7 to the writ petition. The said representation / appeal is still pending before the Managing Director.

7. During the course of argument learned counsel for the petitioner has confined his prayer that Managing Director, Garhwal Mandal Vikas Nigam, Dehradun be directed to decide the aforesaid appeal at the earliest.

8. The prayer is innocuous. Accordingly, I direct the respondent no. 1 i.e. Managing Director, Garhwal Mandal Vikas Nigam, Dehradun, to take decision on the representation / appeal dated 14.09.2005 of the petitioner within a period of two months from the date of production of certified copy of this order.

9. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 18, 2006
SKSharma